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U.S. DISTRICT COURT

SEP 13 2004

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September 10, 2004

Mr. Luther D. Thomas, Clerk
U.S. District Court
Northern District of Georgia, Rome Division
600 East First Street
Rome, Georgia 30161

Re: *United States of America and The State of Georgia, et al. v. Dalton Utilities, et al.*; Civil Action File No. 4:98-CV-0191-HLM in the United States District Court for the Northern District of Georgia, Rome Division

Dear Mr. Thomas:

"Defendant's Motion to Terminate Consent Decree" was filed on August 5, 2004. The "Termination Agreement" filed with this motion has a page missing in "Attachment 14." Enclosed is a complete "Attachment 14" which should replace the one originally filed on August 5, 2004.

Thank you for your assistance in this matter, and please do not hesitate to contact me should you have questions or require anything further.

Sincerely,

Lee A. DeHihns

Lee A. DeHihns, III

LAD:gba

Enclosures

ATL01/11735910v1

Cc: (With enclosures)

(continued on next page)

Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
704-444-1000
Fax: 704-444-1111

90 Park Avenue
New York, NY 10016
212-210-9400
Fax: 212-210-9444

3201 Beechleaf Court, Suite 600
Raleigh, NC 27604-1062
919-862-2200
Fax: 919-862-2260

601 Pennsylvania Avenue, N.W.
North Building, 10th Floor
Washington, DC 20004-2601
202-756-3300
Fax: 202-756-3333

Attachment 14



Environmental, Health & Safety

Standard Operating Procedures

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CHAPTER 2 – INCIDENT REPORTING & INVESTIGATION

2.1 Purpose & Scope

The purpose of this program is to outline responsibilities and procedures for the reporting and investigation of all incidents involving injury/illness, the environment, property/automobile damage or compliance related issues. The program is intended to provide guidance to all employees and all departments of the company.

2.2 Key Terms and Definitions

- 2.2.1 *Compliance Issue* – Any incident that is reportable in accordance with federal, state or local laws, regulations or permits (i.e. governed by OSHA, EPD, PSC, etc.).
- 2.2.2 *Environmental* – Loss of substance from any collection, transmission or storage system.
- 2.2.3 *Property/Auto Damage* – Incident resulting in any degree of physical damage to Dalton Utilities or other properties (i.e. vehicles, buildings, equipment, tools, etc.).
- 2.2.4 *Recordable Injury/Illness* – Any case resulting from a work related incident that results in: a death; an illness; or an injury that requires medical treatment (other than minor first aid); loss of consciousness; restriction of work or motion; or transfer to another job. (See Appendix A – OSHA Recordability Guideline).

2.3 Internal Reporting and Investigation

The basic internal reporting and investigation procedures apply to all incidents covered under this program:

2.3.1 Employee

- a. Report any incident immediately to the responsible Supervisor. Employees failing to report an incident within 12 hours to their supervisors are subject to disciplinary action up to and including termination.
- b. Must submit to a post accident drug screen immediately (within 2 hours) following an incident. Any employee who refuses to submit to a drug screen at the time of an accident will be subject to disciplinary actions up to and including termination.
- c. Initiate immediate actions (so far as properly trained without endangering self or others) to mitigate the extent of the incident (i.e. administer first aid, close valves, turn off pumps, etc.).

2.3.2 Immediate Supervisor

- a. Upon receiving a report of an injury, environmental, property damage or compliance related issue, immediately investigate the report to confirm and evaluate the situation.
- b. Ensure injured personnel receive necessary medical treatment as soon as possible.
- c. Ensure drug testing is performed in accordance with Chapter 23 – Substance Abuse Policy of the Personnel Policies and Procedures Manual.

CHAPTER 2 – INCIDENT REPORTING & INVESTIGATION

- d. Notify the Nurse as needed; if Nurse is unavailable, assess the situation and send injured employee(s) to appropriate panel physician; if incident occurs after normal business hours the employee should be sent to the emergency room with instructions to administer post incident drug screen.
 - e. Supervise the immediate actions (so far as properly trained without endangering self or others) to mitigate the extent of the incident.
 - f. Notify immediate Supervisor and other utility operations that may be affected.
 - g. Once medical care has been provided and the scene is under control, initiate the investigation by completing the Incident Investigation Report within 24 hours of the time of incident and submit to Regulatory, and/or Safety Departments, (See Appendix B – Incident Investigation Report) as appropriate. Failure to submit the completed Incident Investigation Report within 24 hours could result in disciplinary action up to and including termination.
 - h. Supervisor will forward a copy of the initial Incident Report through appropriate supervisory/management channels, to the CEO.
- 2.3.3 Regulatory, Training, Safety & Health
- a. Review the Incident Investigation Report and form an investigation team to assist with follow-up investigation as appropriate.
 - b. Complete Incident Investigation Report within 24 hours after receipt.
 - c. Initiate any necessary environmental monitoring (i.e. contact the laboratory to begin stream monitoring).
- 2.3.4 Departments
- a. Report all vehicle/equipment damage to Training, Safety & Health and garage weekly. The report will include identification, damage description, cost and causation of damage.

2.4 Medical Management

The following guidelines will ensure quality care for all employees injured on the job and will keep us in line with our worker's compensation policy:

- 2.4.1 For work related injuries, employees must select a physician from the pre-determined Worker's Compensation panel of physicians (a current list will be posted in all break room worksites, etc.).
- 2.4.2 When an on-the-job injury occurs, the Nurse (or Supervisor in the nurse's absence) should (1) promptly send the employee to the selected physician, and (2) call ahead to authorize treatment under worker's compensation insurance and completing proper authorization form (always to include post accident drug screen).
- 2.4.3 Prior to resuming working duties, the injured employee must present a return to work form from the treating physician to the Nurse (or

CHAPTER 2 – INCIDENT REPORTING & INVESTIGATION

Supervisor in the Nurse's absence). In the latter case, the Nurse must receive a copy for file.

- 2.4.4 Human Resources and the injured employee's supervisor shall work together to develop light duty job descriptions and to accommodate work restrictions as appropriate.
- 2.4.5 Treatment from a non-panel physician without prior authorization from Dalton Utilities' management or Comp First will not be paid under worker's compensation insurance. (Employees should only be sent to the emergency room for true emergency situations or after routing business hours).

2.5 External Reporting

- 2.5.1 All incidents shall be reported per appropriate regulatory requirements.
- 2.5.2 Regulatory Services shall have the primary responsibility for making all necessary regulatory agency reports.
- 2.5.3 Specific reporting instructions are detailed in Appendix G – Under State and Federal Agencies.

2.6 General Responsibilities

2.6.1 Employees

- a. Participate in appropriate department training.
- b. Report any safety, property damage or environmental incidents to supervisor as soon as possible.
- c. Assist Supervisor as needed during an incident.

2.6.2 Immediate Supervisor or Lead Crewman

- a. Ensure that employees are trained in the skills necessary to identify a safety, environmental, property damage or compliance incident.
- b. Ensure that employees understand the necessity and appropriate procedures for reporting an incident.
- c. Ensure corrective actions are completed and that all affected employees receive training on specified changes.
- d. Communicate the incident and associated learning value to employees.
- e. Notify Manager on Duty (MOD) of any safety, property damage or environmental incidents.

2.6.3 Dispatch

- a. Receive calls on off-hours regarding safety, environmental, property damage or compliance incidents.
- b. Collect appropriate information from callers on the location, nature, etc. of the incident being reported.
- c. Immediately notify MOD of the call and provide the completed Incident Investigation report to supervisor.
- d. MOD or appropriate supervisor completes Investigation Report.

2.6.4 Regulatory/Training Safety and Health

- a. Provide training resources in the skills necessary to identify a safety, environmental, property damage or compliance incident.

CHAPTER 2 – INCIDENT REPORTING & INVESTIGATION

- b. Ensure all causes (immediately and underlying) have been identified, documented and that corrective actions have been developed and communicated.
- c. Follow-up as needed to ensure completion and effectiveness of corrective action.
- d. Communicate the learning value from incidents throughout the utility.

2.6.5 Nurse

- a. Provide medical attention as necessary; be available according to the following schedule:
Monday – Friday 8:00 A.M. – 3:00 P.M.
- b. If employee chooses, allow them to select from the panel of physicians and send them to the appropriate office.
- c. Complete a WC-1 report and forward to the worker's compensation administrator within 24 hours.
- d. Update OSHA 300 Log in accordance with record-keeping guidelines.

2.7 Training & Record Keeping

2.7.1 All employees will receive annual training on these procedures, to include the use of the Incident Investigation Report. New employees will receive training as part of orientation within 30 days of hiring.

2.7.2 Record Keeping

- a. The Occupational Health Nurse will maintain an injury log in accordance with OSHA's record keeping guidelines. The Nurse will also be responsible for submitting the WC-q ("First Report of Injury") to the contracted worker's compensation administrator and for maintaining copies of all WC-1s for a period of three years.
- b. Regulatory and Outreach Services will maintain a central file on all reported compliance related issues to include the completed Incident Investigation Reports, time and date of any regulatory report, the Regulatory agency identifying report number and documentation that corrective actions have been or are being completed. All such reports shall be maintained for the current year plus the three previous.
- c. Respective departments shall maintain centralized training records to include topic, trainer, attendees and date for the current year plus three previous.

APPENDIX G – CITY, COUNTY, STATE AND FEDERAL CONTACTS**1.1 City Agencies****1.1.1 City of Dalton**

- | | | |
|-------------------------|--------|----------|
| a. Emergency Management | Phone: | 278-9211 |
| John Hitchens, Director | | |
| b. Police Department | | |
| James Chadwick, Chief | Phone: | 278-3333 |
| c. Fire Department | | |
| Barry Gober, Chief | Phone: | 278-7363 |

1.1.2 Tunnel Hill

- | | | |
|----------------------|--------|----------|
| a. Police Department | | |
| Roy Brunson, Chief | Phone: | 673-5535 |

1.2 County Agencies**1.2.1 Catoosa County**

- | | | |
|-----------------------|--------|----------|
| a. Sheriff Department | | |
| Phil Summers, Sheriff | Phone: | 935-2323 |

1.2.2 Floyd County

- | | | |
|------------------------|--------|----------|
| a. Fire Department | | |
| Bobbie McKenzie, Chief | Phone: | 236-4500 |

1.2.3 Gordon County

- | | | |
|----------------------------|--------|-----------|
| a. Emergency Management | | |
| Tim Reeves, Director | Phone: | 602-4569 |
| b. Sheriff Department | Phone: | 629-2922 |
| c. County Fire Department | | |
| Mike Satterfield, Chief | Phone: | 629-2395 |
| d. Calhoun Fire Department | | |
| Lennie Nesbitt, Chief | Phone: | 629-04202 |

1.2.4 Whitfield County

- | | | |
|-------------------------|--------|----------|
| a. Sheriff Department | | |
| Scott Chitwood, Sheriff | Phone: | 278-1233 |
| b. Fire Department | | |
| Carl Collins, Chief | Phone: | 259-7433 |

1.3 State Agencies**1.3.1 For water and wastewater - Georgia Environmental Protection Division**

For all reportable incidents involving the Georgia Environmental Protection Division, verbal reports shall be made within 24 hours of becoming aware and written report shall be filed within five (5) days of becoming aware. The Incident Report will contain the necessary information for making both the verbal and written report.

APPENDIX G – CITY, COUNTY, STATE AND FEDERAL CONTACTS

a. For verbal reports telephone numbers are:

(1) Sewer Overflows

GA EPD (normal business hours) 404-362-2680

GA EPD (after business hours) 800-241-4113

(2) Water Supply, GA EPD 404-656-3094

b. Written reports shall be addressed as follows:

(1) Sewer Overflows:

James A. Sommerville, District Manager

Georgia Environmental Protection Division

PO Box 3250

16 Center Road

Cartersville, GA 30120

email address: jim_sommerville@mail.dnr.state.ga.us

Fax: 770/387-4906 770-387-4906

1.3.2 For reportable incidents involving Natural Gas:

a. Verbal reports shall be made to the following:

1. GPSC Office of Pipeline Safety General Office No. 404-463-6526

John McCarter

Senior Gas Safety Inspector 404-463-6526

404-655-1050 (Pager)

745-3322 (Home)

b. Written reports shall be made to:

1. Initial Report – Associate Administrator OPS, Washington

2. Danny McGriff – GA office of Pipeline Safety

1.3.3 Georgia State Patrol

Dalton Headquarters

272-2200

1.4 Federal Agencies

1.4.1 National Response Center

800-424-8802

OSHA Log #

Facility/Location _____ M/H # _____
Date of Incident _____ Time of Incident _____
Person Reporting _____ Department _____

Safety		Property Damage	Environmental Impact	
<input type="checkbox"/> No Injuries <input type="checkbox"/> Illness <input type="checkbox"/> Injury <input type="checkbox"/> First Aid <input type="checkbox"/> Medical <input type="checkbox"/> Light Duty <input type="checkbox"/> Lost Time	Medical Treatment <input type="checkbox"/> Name _____ <input type="checkbox"/> Doctor _____ <input type="checkbox"/> Emergency _____ <input type="checkbox"/> Route _____ <input type="checkbox"/> Hospital/Unit _____	<input type="checkbox"/> Facility _____ <input type="checkbox"/> Equipment _____ <input type="checkbox"/> Vehicle (# _____) <input type="checkbox"/> Accident Report Completed <input type="checkbox"/> Others Involved _____ <input type="checkbox"/> Witnesses _____ <input type="checkbox"/> Estimated Cost _____	Released To: <input type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Land	Quantity: Release of: _____ Reportable [] Yes [] No Notified: _____
<input type="checkbox"/> DRUG SCREEN PERFORMED		<input type="checkbox"/> DRUG SCREEN PERFORMED	Waterway Affected: _____	
Date Reported: _____		<input type="checkbox"/> NOTICES POSTED		

Employee Name	Age	Dept
Job Title	Time on Job	Shift
Type of Injury	Body Part Affected	
Employee Signature:		

[illegible]

Attachment # 14
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OSHA Log #

Investigator's Comments:

Have Corrective Actions been completed? Yes [] No []

Next follow-up date to ensure compliance: _____

Attach Any Supporting Information (Sketch, Photo, Etc.)

Attachment # 14
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